



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 14 2001

EPA Region 5 Records Ctr.



346108

REPLY TO THE ATTENTION OF

Lindsay Light I

PROMPT REPLY NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Re: Request for Information Pursuant to Section 104 of CERCLA  
for Lindsay Light Building, 161 East Grand Avenue in  
Chicago, Illinois

Dear Sir:

As you may be aware, the United States Environmental Protection Agency ("U.S. EPA") is investigating the management and disposal of radioactive material associated with the Lindsay Light Company thorium mantle manufacturing, warehousing, and office facilities formerly located at 161 East Grand Avenue ("161 Building"). This letter seeks your assistance in gathering information and documents relating to the operations and activities conducted at the 161 Building by Charles Lindsay, Lindsay Light Company, Lindsay Light & Chemical Company, and Lindsay Chemical Company ("Lindsay Light") that may aid U.S. EPA's investigation. U.S. EPA is seeking information about Lindsay Light's operations at this location and also post-Lindsay Light construction, renovation, maintenance and radiation abatement activities at this location.

U.S. EPA is investigating the release or threat of release of radioactive hazardous substances, pollutants, or contaminants at, to, or from the 161 Building. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the 161 Building. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the 161 Building.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within twenty (20) business days of your receipt of this letter.

#### Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as "CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites; (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

#### Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.

(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the 161 Building or may be responsible for the radioactive contamination at the 161 Building, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.


Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency  
Debra Regel, Enforcement Specialist  
Emergency Enforcement Support Section, SE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have additional questions about the history of the 161 Building, the nature of the environmental conditions at the 161 Building, or the status of cleanup activities, please contact either Verneta Simon at (312) 886-3601 or Fredrick Micke at (312) 886-5123. However, if you have specific questions about the Information Request, please contact Debra Regel at (312) 353-7632.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

  
Richard C. Karl, Chief  
Emergency Response Branch

Enclosures

CC: Mort P. Ames, Esq.  
City of Chicago  
Department of Law  
30 North LaSalle Street, Room 900  
Chicago, IL 60602-2580

bcc: Mary Fulghum, ORC (C-14J)  
Cathy Martwick, ORC (C-14J)  
Verneta Simon, OSC (SE-5J)  
Fred Micke, OSC (SE-14J)  
Larry Jensen (SE-5J)  
Derrick Kimbrough, EESS (SE-5J)  
John Maritote, EESS (SE-5J)  
Debbie Regel, EESS (SE-5J)  
Toni Lesser, Public Affairs (P-19J)  
Records Center (SMR-7J)  
ERB Read File  
Kelly O'Connor  
Assistant Attorney General  
Illinois Attorney General's Office  
188 W. Randolph, 20<sup>th</sup> Floor  
Chicago, IL 60601

Attachment A  
Information Request Instructions and Definitions

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA. If you have previously submitted responsive information to U.S. EPA you do not need to re-submit the information; however, please identify the previous information.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42.U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this

Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within ten (10) business days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

#### Definitions

The following definitions shall apply to the following words as they may appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.

2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. In particular, relative to the 161 Building and to this Information Request, "**radioactive hazardous substance**" shall mean, but not exclusively, radioactive rare earths, and radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, radioactive uranium and all associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series and all its associated decay products, and hazardous chemicals associated with these radioactive materials as a result of processing or manufacturing actions.

4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.

5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum. In particular, relative to the 161 Building and to this Information Request, "pollutant or contaminant" shall mean, but not exclusively, radioactive rare earths, and radioactive thorium and all its associated decay products in the Thorium (Th-232) Decay Series, and radioactive uranium and all associated decay products in both the Uranium (U-238) Decay Series and the Actinium (U-235) Decay Series, and all its associated decay products.

9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.



11. The term "**161 Building**" shall mean the Lindsay Light Building located at 161 East Grand Avenue, Chicago, Illinois, and in particular includes the inside and outside of the building itself and its physical property.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes, and also by-products as specified in the Atomic Energy Act.

13. The term "**you**" or "**Respondent**" shall mean yourself. The term "you" also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of or for the 161 Building.

Attachment B  
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional information or responsive documents, identify such persons, including past employees of Lindsay Light.
4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of radioactive hazardous substances by you, your contractors, or by prior owners and/operators.
5. Please provide all known historical information regarding the construction of the 161 Building, including copies of all maps and drawings in your possession.
6. Please provide all known historical information about the handling of radioactive hazardous substances, pollutants, or contaminants at the 161 Building including information about the processes used, location of various aspects of the processes within the building, correspondence, minutes, ads, and pictures, etc. relating to activities within the 161 Building.
7. Please provide information regarding any removal or abatement work performed in or around the 161 Building, including but not limited to the chimney, chimney base, or chimney cap that involved radioactive hazardous substances, pollutants, or contaminants. In addition, please identify the location where any radioactive hazardous substances, materials, pollutants or contaminants were disposed.
8. Please provide the name, address, telephone number, and project manager's name of any person and/or contractor(s) that performed any surveys, removals, or abatement work in or around the 161 Building. In particular, please include information about any contractor(s) which performed work involving radioactive hazardous substances, pollutants, or contaminants.
9. Describe in detail all removal/abatement work performed in or around the 161 Building with regard to any work involving radioactive hazardous substances, pollutants, or contaminants, including but not limited to data, tests, analyses, analytical

results, Work Plans, Health and Safety Plans, environmental assessments, surveys, and any other information and reports regarding the presence, location, management, and disposal of radioactive hazardous materials, substances, pollutants or contaminants.

10. Please provide copies of any radiation surveys performed on or in the 161 Building and/or on its land. In addition, please describe in detail where the measurements were taken, the results of the measurements, whether any recommendations were made as a result of the measurements, and when and to whom recommendations were made.

11. Please describe in detail your knowledge of the condition of the 161 Building prior to any sale or exchange of ownership interest and the basis for your knowledge.

12. Please describe in detail any dealings you have, or may have had with the other recipients of this Request for Information letter, Schmo Brothers LLC, Optimus, Mr. Ronald Steele, Kerr-McGee Corporation, River East Chicago L.L.C., Radiation Safety Services, Inc., or ADCO Services, Inc. with respect to removal, transportation, or disposal of radioactive wastes, materials, substances, pollutants, or contaminants.

13. Provide information about the 161 Building, including any and all additions, demolitions, or changes of any kind on, under, or about the 161 Building, to its physical structures, including but not limited to chimney, chimney base or chimney cap, or to the property itself (e.g., excavation work) since at least 1979 and any planned additions, demolitions, or other changes to the 161 Building.

14. If you performed radiation contamination removal or control actions at the 161 Building, please describe in detail what you were contracted to perform and by whom; when you were contracted to perform the work; the actual date you entered into the contract; what work was actually performed; the start date of the work; how long the work took; who disposed of the radioactive substances, pollutants, or contaminants removed; where the radioactive substances, pollutants, or contaminants were disposed; when the radioactive substances, pollutants, or contaminants were disposed; and the amount of waste by activity of each radionuclide and by total weight or volume of material involved.

15. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, or air quality on or about the 161 Building, including surrounding sidewalks, alleys, etc.? If so, identify:

- a) What the nature and scope of these investigations will be;
- b) The contractors or other persons that will undertake these investigations;
- c) The purpose of the investigations;
- d) The dates when such investigations will take place and be completed; and
- e) Where at the 161 Building such investigations will take place.

16. Identify all leaks, spills, or releases into the environment of any radioactive hazardous substances, pollutants, or contaminants that have occurred at or from the 161 Building from 1900 to the present. In addition, identify:

- a) When such releases occurred;
- b) How the releases occurred;
- c) The amount of each radioactive hazardous substance, pollutant, or contaminant so released, and the amount of waste by activity of each radionuclide and by total weight or volume of material involved;
- d) Where such releases occurred;
- e) Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
- f) Where the contaminated materials as a result of the release were ultimately disposed;
- g) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
- g) All persons with information relating to these releases, including any former directors or employees of Lindsay Light.

17. Identify all persons with knowledge, information, or documents responsive to question 1.-16, above.

18. Provide copies of all documents containing information responsive to question 1. -16., above, or in lieu of copies of all relevant documents, provide identification and location of all such documents.

19. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of radioactive hazardous substances, pollutants, or contaminants, and damages resulting therefrom from 1900 to the present time.

LINDSAY LIGHT I  
161 EAST GRAND AVENUE, CHICAGO, IL  
LIST OF PARTIES RECEIVING REQUEST FOR INFORMATION LETTER

Mr. Howard L. Storch  
221 Raleigh Road  
Kenilworth, IL 60043

DEM Services, Inc.  
1018 South Oakley  
Chicago, IL 60612  
Attention: Mr. Paul Middleton